

SUPREME COURT OF THE UNITED STATES.

No. 357.—OCTOBER TERM, 1920.

Harry B. Tedrow, United States At- torney, Appellant. vs. A. T. Lewis & Son Dry Goods Co., The Denver Dry Goods Co., et al.	}	Appeal from the District Court of the United States for the District of Colorado.
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[February 28, 1921.]

Mr. Chief Justice WHITE delivered the opinion of the Court.

Various dealers in wearing apparel in the city of Denver filed their bill to enjoin the United States Attorney from instituting prosecutions against them under section four of the Lever Act on the ground that Congress had no power to adopt that section because a state of peace prevailed, or if a state of war existed, the regulation of the price for which wearing apparel should be sold was beyond the authority of Congress, and, for the further reason that the section in question was void for repugnancy to the 5th and 6th Amendments to the Constitution because of its vagueness, want of standard, and denial of the equal protection of the laws. The case was submitted on bill and answer and the statute was held void because of its uncertainty and want of standard, and its enforcement was enjoined.

That the court was right in this ruling, which is the subject now before us upon direct appeal brought by the Government, is not open in view of the decision this day in the *Cohen Grocery* case (*ante*, p.), and for the reasons stated in that case, it is affirmed.

Decree affirmed.

Mr. Justice PITNEY concurs in the result.